IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT BENCH JAIPUR

J U D G M E N T

Instrumentation Ltd., Kota Vs. Judge, Labour Court, Kota.

(SB Civil Writ Petition No. 644/94)

31.8.2006

HON'BLE MR. JUSTICE KS RATHORE

Mr. NK Maloo, for the petitioner.
Mr. Rajiv Bandhu, for the respondents.

The respondent workman was appointed as casual unskilled worker with effect from 5.10.79 for a period upto 31.12.79 @ 7.50 per day and he continued as such till 30.9.80 from 1.10.80. He was appointed on probation for a period of one year which could be further extended.

After appointment of the workman respondent no.2 on probation, verification was made. Upon verification it was found that a criminal case under sections 341 and 509 IPC was pending and challan was filed.

Learned counsel for the respondent workman submits that vide judgment dated 24.2.83, benefit of doubt was given to the

workman.

Learned counsel for the petitioner placed reliance on the judgment rendered by this Court in SB Civil Writ Petition No. 2007/94 in the case of Instrumentation Ltd. Vs. Judge, Labour Court, Kota & Another" decided on 25.5.2006 wherein similar set of case was for consideration where the Instrumentation Ltd. has challenged the award dated 13.9.93 passed by the Labour Court, Kota, by which, the Labour Court has held that "the termination of service of the workman was illegal and unjustified and order of reinstatement was passed with 40% back wages. In that case also, the workman was initially appointed as casual unskilled worker on 7.2.80. However, he has been given regular appointment also as casual unskilled worker vide order dated 2.5.1980. Subsequently, the services of the concerned workman was discharged vide order dated 28.2.81 on the ground of antecedents and criminal case been pending against him. The termination order had been issued as per terms of appointment itself.

It was observed that after appointment, a criminal case for offence under sections 324, 323 IPC had been registered against the petitioner. After completion of trial, though the petitioner had

been convicted by the trial Court vide order dated 14.1.289, however, in the facts of the case benefit of probation was granted. The Labour court, on the basis of pleadings of the petitioner, held that at the time of filing of the application for appointment no criminal case had been registered against the concerned workman.

Here, in the instant case, at the time of appointment of the workman, a criminal case was pending against the workman and the information which was required to be furnished on the prescribed proforma has been wrongly furnished by the workman.

As such, in view of the ratio decided by the Coordinate Bench in the case of Instrumentation Ltd. (supra), this writ petition stands allowed. The impugned award dated 24.12.92 passed by the Labour Court is set aside. With no orders as to cost.

(KS RATHORE), J.